

NOV 16 2005

400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343 - Telephone
(516) 742-4366 - Facsimile
E-mail: intprop@ssmp.com

**SCULLY, SCOTT, MURPHY
& PRESSER****Fax****To:** Examiner Charles H. Sam
Art Unit: 3731**From:** Paul J. Esatto, Jr.
Registration No.: 30,749**Fax:** (571) 273-8300**Pages:** 5 (including cover sheet)**Phone:****Date:** November 16, 2005**Re:** USSN: 10/084,557
Minoru Tsuruta
Our Docket: 15226**CC:**☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Acknowledge**

The following is being facsimile transmitted to the U.S. Patent and Trademark Office on November 16, 2005:

1. Combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences & Petition for Extension of Time Under 37 C.F.R. § 1.136(a) in Dupl.
2. Authorization to Charge Dep. Account 19-1013/SSMP for \$620.00 ✓
3. Certificate of Facsimile

Applicant: Minoru Tsuruta
Serial No.: 10/084,557
For: MEDICAL RETRIEVAL INSTRUMENT
Filed: February 26, 2002
Docket: 15226
Dated: November 16, 2005
PJE:cm


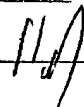
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NOV 16 2005

COMBINED NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Large Entity)					Docket No. 15226	
In Re Application Of: Minoru Tsuruta						
Application No. 10/084,557	Filing Date February 26, 2002	Examiner Charles H. Sam	Customer No. 23389	Group Art Unit 3731	Confirmation No. 7971	
Invention: MEDICAL RETRIEVAL INSTRUMENT						
<u>COMMISSIONER FOR PATENTS:</u> This is a combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of <u>5/16/2005</u> in the above-identified application. <i>Date</i> Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated <u>5/16/05</u> finally rejecting Claim(s) 36-39 Applicant(s) hereby request(s) an extension of time of (check desired time period): <input checked="" type="checkbox"/> One month <input type="checkbox"/> Two months <input type="checkbox"/> Three months <input type="checkbox"/> Four months <input type="checkbox"/> Five months from: <u>10/19/2005</u> until: <u>11/19/2005 **see next page**</u> <i>Date</i> <i>Date</i> The fee for the Notice of Appeal and Extension of Time has been calculated as shown below: <div style="text-align: right; margin-right: 50px;"> Fee for Notice of Appeal: \$500.00 Fee for Extension of Time: \$120.00 TOTAL FEE FOR NOTICE OF APPEAL AND EXTENSION OF TIME: \$620.00 </div> The fee for the Notice of Appeal and extension of time is to be paid as follows: <input type="checkbox"/> A check in the amount of _____ for the Notice of Appeal and extension of time is enclosed. <input checked="" type="checkbox"/> Please charge Deposit Account No. 19-1013/SSMP in the amount of \$620.00 <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-1013/SSMP <div style="margin-left: 40px;"> <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16, 11/17/2005 SSESHE1 00000012 191013 10084557 <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <div style="margin-left: 100px;"> 01 FC:1401 500.00 DA 02 FC:1251 120.00 DA </div> </div> <input checked="" type="checkbox"/> If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 19-1013/SSMP <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.						

P29LARGE/REV06

COMBINED NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Large Entity)					Docket No. 15226
In Re Application Of: Minoru Tsuruta					
Application No. 10/084,557	Filing Date February 26, 2002	Examiner Charles H. Sam	Customer No. 23389	Group Art Unit 3731	Confirmation No. 7971
Invention: MEDICAL RETRIEVAL INSTRUMENT					
<u>TO THE COMMISSIONER FOR PATENTS:</u> This combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition for extension of time under 37 CFR 1.136(a) is respectfully submitted by the undersigned: <div style="display: flex; justify-content: space-between; align-items: flex-end;"><div style="width: 45%;"> _____ <i>Signature</i></div><div style="width: 45%; text-align: right;">Dated: <u>November 16, 2005</u></div></div> <p>Paul J. Esatto, Jr. Registration No.: 30,749</p> <p>**Pursuant to a telephone interview with Supervisory Examiner Nguyen on 11/15/05 only a one-month extension of time is required as a Response to Final was filed within two-months.**</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"><div style="width: 45%; border: 1px solid black; padding: 5px;"><p style="text-align: center;">Certificate of Transmission by Facsimile*</p><p>I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax no. 571-273-8300) on</p><p><u>11/16/2005</u> (Date)</p><p> _____ <i>Signature</i></p><p style="text-align: center;">Paul J. Esatto, Jr.</p><p style="text-align: center;"><i>Typed or Printed Name of Person Signing Certificate</i></p></div><div style="width: 45%; border: 1px solid black; padding: 5px;"><p style="text-align: center;">Certificate of Mailing</p><p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450* [37 CFR 1.6(a) on</p><p>_____ (Date)</p><p style="text-align: center;"><i>Signature of Person Mailing Correspondence</i></p><p>_____ <i>Typed or Printed Name of Person Mailing Correspondence</i></p></div></div>					

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